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ABSTRACT

This report contains an explanation of the Wisconsin laws relating to school truancy; a review of truancy statistics, procedures, and penalties in selected Wisconsin school districts; and a sampling of alternative programs and procedures from other states to deal with truant pupils. Effective procedures for dealing with truant pupils and effective educational programs that discourage truancy are discussed. Reference is also made to a survey of 59 school districts selected from various parts of the state by size and urban-rural status. District administrators were questioned about numbers of truant pupils, procedures for dealing with truants, and the impact of truancy on the school district. A list of the school districts surveyed and a copy of the questionnaire are contained in the appendix. (Author/MLF)

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RESEARCH BULLETIN 76-5

TRUANCY IN WISCONSIN PUBLIC SCHOOLS

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Legislative Council Staff
July 1, 1976

RB-76-5

State Capitol
Madison, Wisconsin

PREFACE

On June 15, 1976, the Legislative Council established a Subcommittee of the Legislative Council's Education Committee (Subcommittee on Truancy) to study the subject matter of 1975 Assembly Joint Resolution 56, including (1) the extent of truancy by school pupils, (2) the administration of the truancy laws, and (3) the responsibility of parents, schools and the legal system for resolving truancy problems. This Research Bulletin has been prepared to provide the Subcommittee with background information on the Wisconsin truancy laws, the extent of truancy in Wisconsin and alternatives for dealing with truant pupils.

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Legislative Council Staff

Madison, Wisconsin
July 1, 1976

RESEARCH BULLETIN 76-5*

TRUANCY IN WISCONSIN PUBLIC SCHOOLS

INTRODUCTION

The March 1975 edition of The Practitioner stated that an annual poll of the National Association of Secondary School Principals membership showed that student absenteeism ranked as the "most perplexing student problem" facing secondary school administrators. The newsletter indicated that absentee rates of 10 to 15 per cent annually, with only 4 to 5 per cent of the absences attributable to illness, are not uncommon in schools. Representative R. Michael Ferrall and Senator Bruce S. Peloquin, Chairmen of the Assembly and Senate Education Committees, in a March 2, 1976 letter to Senator Wayne F. Whittow, then Chairman of the Legislative Council, requesting that a study be conducted on the truancy problem, stated:

> In Wisconsin, there has been growing concern over increases in pupil truancy from school and the effects of truancy on the educational environment. Disruption of the educational process, destruction of school property and the loss of valuable educational opportunities are a few of the effects attributed to truancy.

This Research Bulletin contains an explanation of the Wisconsin laws relating to school truancy, a review of truancy statistics, procedures and penalties in selected Wisconsin school districts and a sampling of alternative programs and procedures from other states to deal with truant pupils. Finally, this document focuses on a discussion of effective procedures for dealing with truant pupils and effective educational programs which discourage truancy.

Reference is also made in this Research Bulletin to a survey of 59 school districts conducted by the Legislative Council Staff. The school districts, selected to reflect large, small and medium-sized school districts, urban and rural school districts and school districts in various parts of the state, were questioned about numbers of truant pupils, procedures for dealing with truants and the impact of

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* This Research Bulletin was prepared by Anne Melanie Huff, Staff Attorney, Legislative Council Staff.

truancy on the school district. A list of the school districts surveyed and a copy of the questionnaire sent are contained in Appendix A.

PART I

WISCONSIN LAW RELATING TO TRUANCY

Wisconsin's school laws contain both a compulsory attendance law and a truancy law. The compulsory attendance law requires school-age children to be sent to school and subjects any parent or other person having control of a child who fails to send the child to school to criminal prosecution. The truancy law provides the mechanism for compelling pupils to attend school prior to the initiation of any court proceeding against the parent or person in control of a school-age child.

A. THE COMPULSORY ATTENDANCE LAW [s. 118.15, Wis. Stats.]

1. Compulsory Attendance Age

Wisconsin has a uniform minimum compulsory age for school attendance and a bipartite maximum compulsory age for school attendance. Section 118.15 (1) (a) and (b), Wis. Stats., requires any person having under his or her control a child between the ages of 6 and 16 years [or 18 years, if the child resides in a school district which contains a vocational, technical and adult education school having a day class program within its boundaries] to send that child to school during the time that school is in session. The minimum age for compulsory school attendance was lowered from 7 years of age to 6 years by Ch. 39, Laws of 1975.

2. Vocational Education and Other Alternatives

There are 4 ways to fulfill the compulsory attendance law requirements other than by participation in a regular school program.

Section 118.15 (1) (c), Wis. Stats., permits a child who is 16 years of age or older to attend a vocational, technical or adult education school on a part-time or full-time basis, if the child's parent or legal custodian and the school board of the child's public school district so determine. When it is determined that a child will attend a vocational school under this subsection, the district board of the vocational school and the school board of the child's public school district enter into a contract specifying, among other things, courses and fees. This contracting provision was enacted in the 1969 legislative session.

Section 118.15 (1) (c), Wis. Stats., permits a child who is 16 years of age or older to be excused from full-time high school attendance in order to participate in a school-work training program or a work-study program. If the child's parent or legal custodian and school board of the child's public school district so determine. The program is to be developed in consultation with the school social worker, psychologist or guidance counselor. This provision was enacted by the 1973 Legislature.

Section 115.82, Wis. Stats., enacted by the 1973 Legislature, permits children with exceptional educational needs to satisfy the state compulsory schooling requirements by attending special education programs operated by a public school district, county handicapped children's education board, cooperative educational service agency, state or county residential facility or private special education service.

Section 118.15 (4), Wis. Stats., allows the substitution of instruction elsewhere than at school, provided the State Superintendent approves such instruction as substantially equivalent to that received by children of like ages in the public or private schools. Similar provisions have been contained in the statutes since 1907.

3. Exceptions to Compulsory School Attendance

Section 118.15 (3) (a), Wis. Stats., provides that the compulsory attendance law does not apply to:

1. A child who has completed the full 4-year high school course [s. 118.15 (3) (a) 1].

2. A child who is temporarily excused by a school board, for a period not to exceed 30 days, because the child is not in proper physical or mental condition, as certified by a reputable physician, licensed psychologist or Christian Science practitioner [s. 118.15 (3) (a) 2].

3. A child who is exempted for good cause by the school board, except that the good cause may not be based on a child's exceptional education needs [s. 118.15 (3) (a) 3].

A further exemption from the compulsory attendance law was mandated by the U.S. Supreme Court in Wisconsin v. Yoder (1972), 406 U.S. 205. In Yoder, the Court held that under the U.S. Constitution, Amish parents could not be compelled to send their children to public high school in violation of their religious beliefs. However, it remains to be judicially determined if the Yoder decision is applicable in other circumstances.

4. Prosecution and Penalties

Any person who has control of a school-age child and who violates the compulsory attendance law may be punished by a fine of not less than $5 nor more than $50 or imprisonment not to exceed 3 months or both [s. 118.15 (5), Wis. Stats.]. However, if a person having control of a school-age child proves that he or she was unable to comply with the compulsory attendance law because of the child's disobedience, the action must be dismissed and the child proceeded against as a delinquent under Ch. 48, Wis. Stats. It should be noted that the Wisconsin Supreme Court, in In re Alley (1921), 174 Wis. 85, 182 N.W. 360, interpreted a statute substantially similar to s. 118.15 (5), Wis. Stats., and held that the compulsory attendance law contemplates that the parent shall first be proceeded against if the child does not attend school.

Section 48.12 (2) (a), Wis. Stats., grants the juvenile court exclusive jurisdiction over any child who is alleged to be in need of supervision because of habitual truancy from school. If the juvenile court finds the child to be in need of supervision, the court must dispose of the case in one of the following ways [s. 48.345, Wis. Stats.]:

1. Counsel the child or the parent or legal custodian.

2. Place the child under supervision in the home.

3. Place the child in a foster home.

4. Transfer custody of the child to relatives, a county child welfare service or a licensed child welfare agency.

Section 48.12 (1), Wis. Stats., provides that a child may be alleged to be delinquent because he or she has violated a state or federal criminal law or an ordinance that conforms in substance to the criminal law. However, a habitually truant child cannot be found to be delinquent for that reason alone since it is the person in control of a truant pupil, and not the truant pupil, who is in violation of the compulsory attendance law and thereby subject to a criminal penalty. Unlike a child who is found to be in need of supervision, a child must be found to be delinquent in order to be placed in an institution operated by the Department of Health and Social Services.

Section 120.13 (1) (b), Wis. Stats., provides that the school district administrator may make rules with the consent of the school

board and may suspend a pupil for not more than 3 days, or in certain circumstances for not more than 7 days, for conduct while under the supervision of school authority which endangers the property, health or safety of others or for noncompliance with school rules and if the suspension is reasonably justified.

Section 120.13 (1) (c), Wis. Stats., provides that a school board may expel a pupil from school whenever the pupil is found guilty of repeated refusal or neglect to obey the rules or is engaged in conduct while under supervision of school authority which endangers the property, health or safety of others and the interest of the school demands the expulsion.

Conceivably, a school board could establish rules suspending or expelling pupils for truancy. However, an opinion by the legal counsel for the Department of Public Instruction states that:

> In light of the similar Wisconsin compulsory attendance provisions specifically providing the procedures for the prosecution of a pupil's non-attendance, it is the writer's opinion that school boards are without the authority to expel or suspend for violation of school attendance rules. [Wisconsin Department of Public Instruction Newsletter, at page 3, May 1976.]

There has been no Wisconsin Supreme Court ruling on whether a school board has the statutory authority to suspend or expel a pupil for truancy.

B. THE TRUANCY LAW [s. 118.16, Wis. Stats.]

1. Truancy Defined

Section 118.16 (1), Wis. Stats., defines "truancy" as "any absence of one or more days from school during which the principal or teacher has not been notified in writing of the legal cause of the absence by the parent or guardian of the absent pupil."

"Truancy" is also defined in this subsection as "intermittent attendance carried on for the purpose of defeating the intent of [the compulsory attendance law]." The only legal excuses for absence from school are those specified in the compulsory attendance law, which are:

1. Completion of high school.

2. A temporary excuse by the school board because of poor physical or mental condition, as certified by a doctor, licensed psychologist or Christian Science practitioner.

3. An exemption for good cause by the school board, except that the good cause may not be based on a child's exceptional educational needs.

2. Truant Officers

Under s. 118.16 (2) (b), Wis. Stats., the school board in school systems operating under Ch. 119, Wis. Stats., [the Milwaukee School District] is required to appoint welfare workers or attendance officers to serve as truant officers. Such welfare workers and attendance officers must have the same qualifications required for teachers in the district. Section 118.16 (2) (a), Wis. Stats., provides that in all other school districts, the school district administrator serves as the truant officer unless the school board appoints another professional employe to serve as truant officer.

Truant officers are empowered to inspect school attendance records and to visit places of employment to ascertain if minors are employed in violation of the law [ss. 118.16 (4) and (5), Wis. Stats.]. Truant officers are also authorized to apprehend truant pupils without warrant and to place them in "some school." When a truant officer receives information of a pupil's absence, the truant officer is required to inform the person in charge of the truant pupil of the pupil's absence.

3. Truancy Notification Procedures

When a truant officer receives information of a pupil's absence, s. 118.16 (5), Wis. Stats., requires the officer to give written notice of the absence to the person in charge of the pupil by personal service within 12 hours after receiving the absence report. The notice must set forth the requirements of the compulsory attendance law and state that the pupil must be sent to school on the next school day. If the pupil does not return to school on the next school day, the procedure is repeated.

If the pupil does not return to school after the 2nd notice, the truant officer must cause a criminal prosecution to be brought under the compulsory attendance law against the person in charge of the pupil within 3 days. Once 2 notices of unexcused absences

have been issued in one school year, a 3rd instance of truancy during the same school year will result in criminal prosecution of the parents without another truancy notice.

C. HISTORY OF THE COMPULSORY ATTENDANCE AND TRUANCY LAWS

Until 1879, Wisconsin had no compulsory school attendance laws, although in 1866 the Wisconsin Assembly Committee on Education discussed the subject of compulsory education. In 1873, the Legislature passed a law authorizing cities to establish "truant schools" for pupils between the ages of 7 and 16 years who wandered the streets and had no lawful occupation. However, no truant schools were ever established under that law.

The 1879 Legislature enacted the first compulsory attendance law as Chapter 121, Laws of 1879. The provisions of that law and subsequent amendments to it are discussed below.

1. Compulsory Attendance Age

The first compulsory attendance law required any person having control of a child between the ages of 7 and 15 years to send that child to school for at least 12 weeks each year. The Bennett Law [Ch. 519, Laws of 1889] required any person having control of a child between the ages of 7 and 14 years to send that child to school for 12 weeks each year. The compulsory attendance age was reduced for the last time in 1891, when any person having control of a child between the ages of 7 and 13 years was required to send that child to school for 12 weeks each year.

Subsequent legislation provided that persons in control of children between the ages of 7 and 16 years must send such children to school, unless the children were between the ages of 14 and 16 years and regularly and lawfully employed. Subsequent legislation also lengthened the period of time during the year when children must attend school to (1) the full term of the school year in first class cities, (2) 8 months each year in all other cities, and (3) 6 months each year in towns and villages. In 1937, children of compulsory attendance age in all school districts were required to attend school for the full period that school was in session.

In 1949, school attendance was made compulsory for all children between the ages of 7 and 16 years for the school term.

2. Vocational Education

In 1915, a bipartite maximum age for mandatory school attendance was introduced. Specifically, children between the ages of 14 and 16 who lived within 2 miles of a vocational school or within the corporate limits of a city or village maintaining a vocational school were required to attend (1) a free high school or its equivalent, (2) a public, private or parochial school, or (3) a vocational school for at least 5 hours a week for 6 months or 4 hours a week for 8 months.

By 1945, any person who was age 16 [or age 14 and regularly and lawfully employed], who was not an indentured apprentice or who had not completed the equivalent of 4 years of high school and resided or was employed in a district which maintained a vocational school had to attend school as follows [s. 40.70 (2), 1945 Wis. Stats.]:

1. A public, private or vocational school, half-time for 8 months, if between the ages of 14 and 16 years.

2. A public, private or vocational school, 8 hours per week if regularly employed, half-time if employed at home and full-time if unemployed, if between the ages of 16 and 18 years.

By 1949, any person between the ages of 16 and 18 years who was not married, not an indentured apprentice, not a high school graduate or not attending school and who resided or worked in a district maintaining a vocational school, was required to attend the vocational school (1) for one full school day of at least 6-1/2 hours weekly if regularly employed, (2) half-time if employed at home or (3) full-time if unemployed [s. 40.77 (2), 1949 Wis. Stats.]. That provision remained unchanged until the enactment of Chapter 292, Laws of 1965, which required any child who lived in a school district having a vocational school with day class programs to attend high school until age 18. However, a child, between the ages of 16 and 18 years, could, with parental and school board approval, attend vocational school in lieu of high school.

3. Exceptions to Compulsory School Attendance

There have always been exceptions to the compulsory attendance law. The first compulsory attendance law in 1879 allowed a school board to excuse a school-age child from its provisions if the child (1) lived more than 2 miles from school [unless the district furnished transportation], (2) was in ill-health, mentally or

physically, as certified by a reputable physician, (3) had acquired sufficient education or (4) had to work to support the family.

The distance exemption was repealed in 1949. The ill-health exemption remains in the law. The "sufficient education" exception has evolved from a "fair knowledge of the branches of learning ordinarily taught in the common schools" to completion of high school. The "necessity of working" exemption was repealed in the late 19th century. However, at various times courts of record and school boards have had the authority to excuse school-age children from school attendance for "good cause." Therefore, it may still be possible for a pupil to be excused from school attendance due to economic necessity.

Since 1955, a school board has had the authority to exempt a pupil permanently from school for good cause. However, the 1973 Legislature provided that a pupil's handicapping condition or pregnancy could not be a basis for such exemption. The 1971 Legislature provided a procedure by which parents or guardians could challenge any exemption.

4. Prosecution and Penalties

Under the first compulsory attendance law, it was the duty of the director of the school district or the president of the school board to prosecute any person having control of a child who violated the law and to collect the fine in an action before a justice of the peace or a court of competent jurisdiction. Fines were paid into the school fund. If the director or president neglected to prosecute any violations of the law, an "aggrieved person" could bring an action before a justice of the peace or a court of competent jurisdiction to collect a fine against the director or president, payable to the municipal treasurer.

Under the Bennett Law, school boards were authorized to prosecute persons for offenses against the law. Jurisdiction to enforce the penalties under the law was conferred upon justices of the peace and police magistrates. All forfeitures collected were paid to the school treasurer for school purposes. In addition, any habitually truant child between the ages of 9 and 14 years could be adjudged a dependent child and committed to the state public school for a time not to exceed 2 years.

In 1905, it became the duty of the district attorney to prosecute all violations of the compulsory attendance law upon complaint of the school principal or superintendent. The person in control of a child who failed to compel the child to attend

school could be fined and imprisoned. If the person in control proved that he or she was unable to compel the child to attend school, the child could be proceeded against as a delinquent. If found delinquent, a child could be placed on probation or in a state industrial school.

Truant officers and principals who failed to comply with the compulsory attendance law could be subject to a forfeiture in an action brought by the attorney general. The forfeiture was payable to the school treasury.

This is substantially the prosecution procedure followed presently. The present minimum and maximum penalties which may be assessed against a person in control of a truant child or a school administrator or truant officer have not been amended since 1913.

5. Truancy Defined

In 1949, truancy was defined statutorily for the first time as any pupil absence from school during which time the school was not officially notified of the cause of such absence. In 1959, the present truancy definition was adopted.

6. Truant Officers

The first statutory use of the term "truant officer" in Wisconsin was in 1891. However, since 1889, school boards have been authorized to appoint officers to remove truant pupils from public places during school hours and to place them in schools.

In 1903, a school board in a city of the first class or in a city having a population of 10,000 or more was required to appoint at least one truant officer. In all other cities, towns and villages, the school board was permitted to appoint one or more truant officers. The compensation of truant officers was determined by the school board.

In 1907, any school board in a city of the first class was required to appoint 10 or more truant officers. School boards in cities with a population of 2,000 or more [subsequently all 2nd and 3rd class cities] were required to appoint at least one truant officer. In cities with a population of less than 2,000 [subsequently 4th class cities] and in towns and villages, the sheriff and deputies [subsequently the municipal police] served as the truant officers. Law enforcement personnel did not receive extra compensation for their truant officer duties.

In the 1930's, truant officers in first class cities became welfare workers and attendance officers and were required to meet teacher qualifications. In 1949, law enforcement personnel, as truant officers, were replaced by professional employes of the school district in those districts not under the jurisdiction of a county superintendent, and by principals, supervising teachers and county superintendents in other school districts. Eventually, in all school districts except those in first class cities, school district administrators were designated truant officers with the school board retaining the power to appoint other truant officers, provided they were professional employes of the school district.

7. Truancy Notification Procedures

The Bennett Law of 1889 contained the first requirement that a person in control of a child be notified of the child's truancy in advance of prosecution. The Bennett Law provided that 5 days prior to any prosecution for failure to compel a pupil to attend school, written notice of the law must be personally served on the person having control of the child. Thereafter, if the child attended school, no penalty would be incurred.

The notification requirements of the Bennett Law were eliminated in 1891. It was not until 1905 that persons in control of truant pupils were required to be notified of a truancy through a "demand for attendance" made by the school superintendent.

In 1907, another notification procedure was added. Whenever a truant officer received a report of a truant pupil and such officer was unable to compel the pupil to attend school, the officer was required to immediately give written notice of the child's absence and the provisions of the law to the person in control of the child by personal service or registered mail. If the person in control of the child did not compel the child to attend school within 5 days, the truant officer was required to file a criminal complaint within 3 days.

The 2 notification procedures, which had become somewhat inconsistent through subsequent amendments, were repealed in 1949 and replaced by the following notification procedure:

1. The truant officer must give written notice of a truancy by personal service to the person in control of a child within 12 hours of a truancy report.

2. The truant officer also provides written notice to the principal or teacher who must report back to the officer if the pupil returns to school.

3. If the child fails to return to school on the next school day, the process is repeated.

4. If the child fails to return to school on the next school day following the 2nd notice, the truant officer must commence a criminal action within 3 days.

PART II

TRUANCY IN WISCONSIN

A. TRUANCY INCIDENCE

On June 8, 1976, the Legislative Council Staff sent a survey to the district administrators of 59 Wisconsin school districts, selected so as to be broadly representative of all school districts in the state, requesting certain information relating to enforcement of the compulsory attendance and truancy laws. Thirty-three of the 59 school districts surveyed had responded by June 29, 1976, the deadline specified in the survey. In addition, the Legislative Council Staff was given access to attendance and enrollment data for 3 school years maintained by the Division for Financial Aids Services, Department of Public Instruction.

The results of the survey and the collection of data are reported below. For purposes of comparison, 2 studies on attendance and truancy done by a high school in Connecticut and one in Illinois are briefly discussed.

1. The Legislative Council Staff Survey

The survey asked each school district for the number of pupils for whom 3 unexcused absences of 2 or more days duration each had been recorded during the 1973-74, 1974-75 and 1975-76 school years. The following results were obtained:

No. of Absent Pupils	0	1-10	11-25	26-40	over 40	no response
No. of School Districts (1973-74 school year)	1	17	4	1	7	3
No. of School Districts (1974-75 school year)	0	17	5	1	7	3
No. of School Districts (1975-76 school year)	0	16	6	2	6	3

2. Average Daily Attendance and Average Daily Membership

Section 120.18, Wis. Stats., requires all school districts to file an annual report with the Department of Public Instruction on or before August 15 of each year. Among other things, school districts are asked to report in August their average daily attendance [ADA] and average daily membership [ADM] for the recently completed school year. The ADA is the total number of days attended by all pupils, divided by the number of days pupils were in attendance. The ADM is the aggregate days of enrollment of all pupils, divided by the number of days pupils were in attendance. By dividing the ADA by the ADM, a number is obtained which gives an estimate of the daily attendance rate for a given school district in a given school year.

Appendix D contains a list of attendance rates for 66 selected school districts for the 1972-73, 1973-74 and 1974-75 school years. [Data from the 1975-76 school year was not available.] The average attendance rates for this group of school districts were 93.57%, 92.99% and 93.56%, respectively, for the above school years. Conversely, the absence rates were 6.43%, 7.01% and 6.44%, respectively.

It should be noted that the difference between full attendance [ADM] and actual attendance [ADA] represents both excused and unexcused absences, and, therefore, the proportion of absences which constitute truancies is not clear.

3. Comparison: A Connecticut and an Illinois High School

The March 1975 The Practitioner summarized the findings of 2 studies on attendance: the Levanto study, based on absenteeism at Norwich Free Academy [Connecticut] and the Nelson study, based on absenteeism at Evanston Township High School [Illinois].

The Levanto study defined "absenteeism" as missing a full day of school and traced absenteeism over a 5-year period. The study found that absenteeism rose during each succeeding year of the 5 years studied and increased with each succeeding class and age group of pupils.

The Nelson study was conducted in 1972. It confirmed the findings of the Levanto study.

B. REASONS FOR TRUANCY

According to a 1974 report by the Children's Defense Fund of the Washington Research Project, Inc., Children Out of School in

America, there are many reasons for truancy. Those reasons suggest that punishment for truancy may not always be appropriate. Truancy, according to the report, may be a child's way of expressing dislike for school and should, therefore, trigger an investigation into why a child is not interested in or benefiting from the educational program. Personal problems, such as poor clothing or dependent parents or siblings, may be the cause of a pupil's truancy. The report contends that schools need to discover and alleviate the conditions which cause truancy.

A series of articles appearing in The Milwaukee Journal between April 1, 1973 and April 6, 1973 cites the following reasons for truancy in the Milwaukee School District:

1. Pupils lack warm clothes.

2. Pupils fear "shakedowns" in school corridors.

3. Pupils dislike particular teachers.

4. Pupils experience no personal, emotional or social rewards for attending class.

5. Pupils stay away from school because it has meant nothing but failure to them.

6. Parents do not encourage their children to attend school.

Similarly, an article in the March 1975 The Practitioner states that the causes of absenteeism are personal as well as institutional. Factors contributing to poor attendance may include family attitudes, social forces, peer pressures, economic circumstances, home-school relationships, school size, student age and health. The article also attributes the dramatic growth in pupil absenteeism to "new" causes, such as winter vacations, erosion of parental control, economic affluence, novel life-styles and a breakdown in the judicial enforcement of school attendance laws.

Finally, an essay in the February 1973 The High School Journal finds that the factors leading to truancy among pupils in inner-city high schools are many and varied. Among the reasons cited are:

1. Frustration and failure in school work.

2. Irrelevant and unmeaningful curriculum.

3. The need to earn money.

C. PROBLEMS WITH STATUTORY TRUANCY PROCEDURES

1. Parental Notification

Section 118.16 (5), Wis. Stats., requires a truant officer to personally serve written notice to the person in control of any pupil believed to be truant. However, due to the physical size of some school districts and the number of unexplained absences per school day, the requirement of personal service is often impractical.

According to the Division for School Board and Administrator Services, Department of Public Instruction, the average geographic area of a Wisconsin school district is 136 square miles. Moreover, nearly 50% of all Wisconsin school districts cover an area of 100 square miles or more.

The Superintendent's Monthly Report for the Milwaukee School District indicates that between November 1, 1975 and February 29, 1976, the district averaged more than 5,000 absences daily. The report does not indicate the number of cases in which the district was notified of the pupil's excuse. However, a large number of these absences probably had to be investigated daily by truant officers.

In the Legislative Council Staff Survey, 27 of the 33 responding school districts indicated that their initial contact with the person in charge of an absent pupil was by telephone. Frequently, a telephone call would be followed by a letter or a conference. In only one case did it appear that the initial contact was by personal service as required by statute.

2. Prosecution of Parents

In the Legislative Council Staff Survey, 29 of the 33 respondent school districts for the 1973-74 school year, and 30 of the 33 respondent school districts for the 1974-75 and 1975-76 school years, indicated that they had one or more pupils with 3 or more unexcused absences. Under s. 118.16 (5), Wis. Stats., a truant officer is required, after 2 unexcused pupil absences in one school year, to commence a criminal prosecution against the person in charge of the truant. The following table indicates the number of persons referred by school districts to the district attorney for criminal prosecution under the compulsory attendance law.

No. of Prosecutions Recommended	0	1-10	11-25	no response
No. of School Districts (1973-74 school year)	19	11	1	2
No. of School Districts (1974-75 school year)	18	12	1	2
No. of School Districts (1975-76 school year)	17	14	1	1

Obviously, if the school district fails to inform the district attorney of violations of the compulsory attendance law, there is little chance that the district attorney will commence a criminal prosecution against the persons in control of a truant pupil. Furthermore, since the bringing of any criminal prosecution is a discretionary act, the district attorney may decline or refuse to prosecute.

3. Proceedings Against Truant Pupils

Pupils who are "habitually truant" may be found to be in need of supervision under Ch. 48, Wis. Stats. Under s. 48.345, Wis. Stats., a juvenile court which finds a habitually truant child in need of supervision may (1) counsel the child and parents, (2) place the child under supervision in the home, (3) transfer legal custody of the child to a foster home, or (4) transfer legal custody of the child to a relative, a county agency or a licensed child welfare agency. By law, the duration of any placement or transfer of custody may not exceed one year.

It is claimed by a Milwaukee County juvenile court judge that because the transfer of legal custody is limited to one year, as a practical matter, legal custody is rarely transferred. Therefore, the only viable alternative for the juvenile court is to place truant pupils under supervision in their own home. Referrals of truancy cases to the juvenile court in Milwaukee have ended almost totally since it is perceived that the court has no effective means of handling truancy.

It is not clear whether the views of the Milwaukee County juvenile court judge are shared by juvenile court judges in other parts of the state. Many school districts responding to the Legislative Council Staff Survey indicated that their local juvenile courts did not enforce

the truancy law. However, 2 school districts stated that without the help of their county Department of Social Services and the informal supervision of the juvenile court, they would be unsuccessful in resolving their truancy cases.

The school districts which responded to the Legislative Council Staff Survey indicated that they had referred the following numbers of truants to juvenile court authorities:

No. of Referrals	0	1-10	11-25	26-40	over 40	no response
No. of School Districts (1973-74 school year)	12	16	2	0	1	2
No. of School Districts (1974-75 school year)	11	16	3	0	1	2
No. of School Districts (1975-76 school year)	8	20	2	0	1	2

4. Informal Procedures for Enforcing the Truancy Law

Section 118.16, Wis. Stats., provides a somewhat inflexible and limited procedure for dealing with truant pupils. When a pupil is absent from school for the 3rd time during the school year with no legal excuse, the person in control of the pupil may be subject to a criminal prosecution or, if the person proves that the child failed to obey, the pupil may be proceeded against as a child in need of supervision.

The statute makes no provision for dealing with the truant pupil between the time of notification of the pupil's absence to the person in charge of the pupil and the actual commencement of a court action. In fact, the relatively short period of time within which a truant officer must bring an action would seem to limit any other effective action on the part of the school district to encourage voluntary school attendance by the pupil.

However, the response of school districts to the Legislative Council Staff Survey indicates that school districts employ many informal procedures to encourage pupils to attend school. These procedures include conferences between the parents and school personnel, home visits by juvenile officers or personnel from the county Department of Social Services and informal supervision by the juvenile court.

In addition, school districts have reported using special sanctions relating to class work, school privileges or restrictions to prevent truancy. These sanctions may include suspension, detention, loss of "open campus," credit loss for courses missed, grade loss or reduction for courses missed, make-up time and work and denial of access to school activities.

PART III

ALTERNATIVE TRUANCY PROCEDURES AND PROGRAMS TO DISCOURAGE TRUANCY

A. ALTERNATIVE TRUANCY PROCEDURES

1. 1975 Assembly Bill 972

Assembly Bill 972 was introduced by Representatives John R. Plewa and R. Michael Ferrall on July 15, 1975. The Bill was passed by the Assembly on a vote of 89 Ayes, 5 Noes, but failed to pass the Senate due to the lateness of the 1975 legislative session.

Assembly Bill 972 provided a simplified procedure for truancy enforcement. Under the Bill, the first notice of a pupil's absence from school to the person in control of the pupil would be by "telephone or mail, personally or by any reasonable means of communication" rather than the present requirement of written notice personally served. If the pupil did not return to school on the following school day, the Bill called for a 2nd written notice setting forth the legal requirements for school attendance to be delivered to the person in control of the pupil "by personal service or by mail." If the pupil again failed to return to school on the next school day and if there was reasonable evidence that the absence was a truancy, the truant officer must cause an action to be brought under the compulsory attendance law.

The clear intent of A.B. 972 was to facilitate a school district's notice to a person in charge of a truant pupil of that pupil's absence from school. The Bill offered no other substantial changes in Wisconsin's truancy law.

2. The Los Angeles Unified School District's Stay-in-School Program

"Operation Stay-in-School" is a Los Angeles, California, truancy reduction program which was conducted during the 1974-75 school year and continued during the 1975-76 school year. The program is the cooperative effort of the school district and the police department.

Under the program, the police department assigns at least one patrol car in each of their administrative areas to the truancy reduction program. Police officers stop and interview school-age children who are on the street during school hours. Those pupils who are absent from school without a legal excuse are taken to their home school or to an Operation Stay-in-School Reception Center.

Four reception centers are maintained by the school district. The centers are staffed by Pupil Services and Attendance [PSA] counselors and PSA counselor aides who immediately verify that the pupil is enrolled at the home school and notify the child's parent or guardian of the truancy. Counseling is offered at the centers, and referrals for follow-up service are given to the Pupil Services and Attendance counselors of the home school.

Home schools are informed of truancies so that counseling and diversionary services may be made available to the pupil and parent until such time that the pupil maintains a pattern of regular school attendance. If pupils do not respond to these remedial efforts, they are referred to the School Attendance Review Board and eventually to the probation department.

An evaluation of the first year of "Operation Stay-in-School" shows that regular school attendance improved. Police report that daylight burglaries and shoplifting by minors, as well as violent acts by minors in the vicinity of schools during school hours, have decreased since the program was begun.

3. Group Court Hearings

An experimental project in mass truancy hearings has been conducted in Stark County, Ohio. In the experiment, complaints of school truancy are received by the juvenile court and a single mass hearing is set with appropriate legal notice to all parties. Generally, about 150 parents and children are involved in each mass hearing. At the hearing, the parties are advised of their constitutional rights, of the opportunity to admit or deny the charges of school truancy previously received and of the court order that will be made if the charge is admitted. Those charges of school truancy that are denied are set for hearing at a later date and are heard individually. In addition, civic leaders in the community are invited to speak to the parties at a mass truancy hearing. Some mass hearings have been conducted live, over local radio, and piped into a number of schools in the community.

The goals of the mass truancy hearing program are as follows:

1. To bring truancy to the court's attention early in the school year, in an effort to reverse behavior patterns.

2. To eliminate the frequent individual response of "Why are they singling out me?"

3. To conserve court time.

4. To apprise parents of their responsibility to maintain their children in school.

5. To focus public attention on the compulsory attendance laws in order to encourage school attendance.

An evaluation of the experimental project demonstrates that the school attendance patterns of children participating in mass truancy hearings appeared to improve. The evaluation suggests that mass truancy hearings provided early detection of truancy and prevented further truancy and delinquency.

B. PROGRAMS TO DISCOURAGE TRUANCY

1. Withholding Earned Credit for Truancy

One proposal which has been made for improving attendance rates in the Milwaukee School District is the withholding of earned credits [based on performance and achievement] from pupils when they have exceeded an arbitrary maximum number of unexcused absences. The Milwaukee School District did not adopt such a policy, apparently because the City Attorney issued an opinion stating that "to hold that unexcused absence could be used as the sole criterion for determining scholastic attainment would be arbitrary and capricious." At this time, it is not known whether any other Wisconsin school districts have formally adopted this type of credit withholding policy in order to minimize truancy problems.

However, at Ferndale High School, near Detroit, Michigan, a policy of withholding class credit because of absence has been adopted and cited as the prime reason for reducing that school's absenteeism rate from 15% to 6%. The Ferndale policy gives each pupil 11 absence days, either excused or unexcused. Anyone missing a class more than 11 times loses credit. The absence limit may be extended if extenuating circumstances are involved. Parents are notified of a pupil's 3rd, 7th and 12th absence.

A variation on the concept of withholding class credit because of absences has been implemented at Elcho High School [Langlade County] in Wisconsin. Under the Elcho policy, any pupil who is absent from any class more than 5 times per semester for any reason, excused or unexcused, has his or her semester grades lowered on a graduated scale. After 5 absences, a letter is sent to the parents informing them of the pupil's absence rate and the pending penalty. After 7 absences, another letter is sent requesting a parent conference. An appeal, in

extenuating circumstances, may be made to an attendance policy review committee composed of faculty, administration and pupils. A final appeal may be addressed to the school board. It has been reported that absenteeism has dropped by more than 70% since initiation of the policy.

2. Small-Grouping

A program which is said to be "practically costless" has been used to significantly reduce absenteeism in the Kansas City, Kansas, schools. The program involves training teachers to work with pupils in a small-group system. Communication is increased by varying pupil groups on a monthly basis, and teachers are taught to serve as group leaders rather than as authority figures. A 5-year follow-up study, conducted by the University of Kansas Medical Center, found that pupil behavior problems were cut in half under the small-grouping program.

3. Contingency Management

A contingency contract is a behavior modification technique which has been employed, at least on a pilot basis, in the Norwalk-La Mirade Unified School District in California in order to curb truancy. Specifically, a contingency contract is a written contract drawn up between the school counselor, the parent and the pupil specifying pupil behavior which will be rewarded. Under the contract, the pupil agrees to attend class and in exchange certain restrictions on the pupil are removed.

Supporters of the contingency contract theory argue that (1) such contracts are economical from a time management point of view, (2) such contracts place responsibility on the pupil, (3) such contracts are a powerful way to insure that parents do what they say they will do, and (4) such contracts show that the school counselor cares and is willing to work out a program for the individual pupil.

4. Detention

Since February 1976, the Beaver Dam School District has employed a detention policy to discourage truancy. A pupil who misses a class period receives one detention which is 30 minutes in length and may be served before or after school or during the noon hour.

Recently, 18 Beaver Dam high school seniors were denied participation in Commencement exercises because they failed to serve their detentions, although the seniors were scheduled to receive diplomas. Subsequently, a court injunction compelled the school district to allow the seniors to participate in Commencement, and a court ruling on the legality of the school district detention policy is pending.

5. The Baltimore Experiment

In 1971, the presiding judge of the juvenile court in Baltimore, Maryland, adopted a policy that any child found guilty solely of truancy would be placed on probation and not committed to a state training school. The rationale cited for this policy was that Maryland's training schools were designed and equipped to straighten out delinquents who commit crimes, not children who cut classes.

The city probation department was directed to establish specialized types of programs, both remedial and tutorial in nature, for truant children. In addition, all appropriate community-based resources would be utilized. Even if a truant did not respond to such a program, he or she would not be sent to a state school.

6. Alternative Schools

It has been estimated that in 1974 there were 47 alternative schools in Wisconsin, some of them supported by public school systems. Alternative schools are experiments for testing a variety of concepts in school structural arrangements, curricula and various levels of parent and pupil involvement. They provide "alternatives" to traditional public and private education for fast learners who are bored with traditional education, for slow learners who are left behind and for learners who are dissatisfied with traditional modes of instruction. There is great variety among schools considered to be "alternative." Many of them have been successful in retaining pupils usually truant from a regular school program.

7. Summary: Successful Attendance Policies

A study, completed in 1974 by the National Association of Secondary School Principals, identified schools which were effectively curbing absenteeism. The attendance policies at such schools were strong, well-publicized and consistently enforced. The study also concluded that administrator, teacher, pupil and parent participation in the formulation of an attendance policy was crucial to its ultimate success. In addition, successful attendance policies clearly specified attendance expectations in writing and further delineated outcomes of good and poor attendance.

The school attendance policies which effectively dealt with absenteeism employed one or more of the following approaches:

1. Transferring chronic truants to alternative schools or programs.

2. Exempting pupils with good attendance from final examinations.

3. Withholding course credit for excessive absences.

4. Lowering pupil grades for excessive absence.

5. Enlisting volunteers to telephone the homes and offices of parents of truants.

6. Mailing weekly or monthly attendance reports home.

7. Appointing school-court coordination personnel to gain a better partnership between the courts and schools.

8. Suspending or expelling for excessive truancy.

CONCLUSION

Thus far, formal research on school attendance trends has been minimal. Nonetheless, there appears to be a widespread belief that pupil absenteeism is on the increase and that truancy accounts for much of this absenteeism.

There appear to be no empirical studies on the effect of truancy. However, it is believed that truancy contributes to low scholastic achievement, daytime crime and lack of discipline in our schools.

It is clear that the present statutory procedure for dealing with truancy is not being observed by many of Wisconsin's school districts. Practical considerations dictate that notification of truancy be done by telephone or mail rather than by personal service. The failure or, in some cases, the unwillingness of district attorneys to prosecute persons who do not compel their children to attend school, as well as the limited alternatives given to the juvenile court for dealing with truants, discourage a school district's use of the legal system for enforcing compulsory attendance.

With those problems in mind, the Subcommittee might consider establishing a more effective mechanism for enforcing the truancy law, and, in addition, the Subcommittee might consider methods of encouraging school districts to adopt a wider range of creative programs to effectively reduce instances of truancy and other truancy-related problems.

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APPENDIX A

LEGISLATIVE COUNCIL STAFF SURVEY

SCHOOL DISTRICTS SURVEYED

1. Albany
2. Almond-Bancroft
3. Appleton
4. Arkansaw
5. Berlin
6. Birchwood
7. Bloomington
8. Butternut
9. Cochrane
10. Crandon
11. Denmark
12. Dodgeville
13. Eau Claire
14. Elroy-Kendall
15. Fond du Lac
16. Fredonia
17. Gibralter
18. Gilmanton
19. Goodman
20. Grantsburg
21. Green Bay
22. Hurley
23. Hustisford
24. Janesville
25. Juda
26. Kenosha
27. Kewaskum
28. La Crosse
29. Lake Mills
30. Madison
31. Manawa
32. Menomonie
33. Milwaukee
34. Niagara
35. Owen-Withee
36. Pewaukee
37. Phelps
38. Phillips
39. Pittsville
40. Platteville
41. Portage
42. Prescott
43. Princeton
44. Racine
45. Rhinelander
46. Rice Lake
47. Sauk-Prairie
48. Shawano
49. Sheboygan
50. South Milwaukee
51. Stockbridge
52. Superior
53. Taylor
54. Valders
55. Waukesha
56. Wausau
57. Whitewater
58. Williams Bay
59. Winneconne

STATE OF WISCONSIN

LEGISLATIVE COUNCIL
ROOM 147 NORTH, STATE CAPITOL
MADISON, WI 53702
TELEPHONE (608) 266-1304

June 8, 1976

Dear

In connection with a study to be conducted by the Education Committee of the Joint Legislative Council on the subject, our staff is doing research on truancy in the public schools in Wisconsin. In particular, we are concerned with:

1. The number of truant pupils;

2. Whether the present statutory procedures [s. 118.16, Wis. Stats.] for dealing with truants are effective;

3. Whether other alternatives for dealing with truants should be considered; and

4. What impact truancy is having on the management and control of the school districts.

The enclosed survey is being sent to 59 school districts. The school districts have been selected so as to reflect large, small and medium-sized (population) school districts, urban and rural school districts and school districts in varying locations around the state. Hopefully, the responses will provide answers to some of the concerns expressed above.

If it is possible to answer questions 3 and 4 of the survey by enclosing copies of written school district policies, rules or forms, please do so.

We would appreciate a response by June 29, 1976. An addressed envelope is enclosed for your convenience. Any questions regarding

the survey may be addressed to Melanie Huff, Legislative Council Staff Attorney, at (608) 266-1307.

Thank you for your help.

Cordially,

Bonnie Reese

Bonnie Reese
Executive Secretary

BR:mld

Enclosure

APPENDIX B

THE COMPULSORY ATTENDANCE LAW

THE COMPULSORY ATTENDANCE LAW, as amended by Chs. 39 and 199, Laws of 1975

115.82 Compulsory attendance. The provisions of s. 118.15 relating to compulsory school attendance apply during the school term to children with exceptional educational needs and may be satisfied by attendance at special education programs operated by a school district, county handicapped children's education board, board of control of a cooperative educational service agency, state or county residential facility or private special education service.

118.15 Compulsory school attendance.

(1)(a) Unless the child has a legal excuse or has graduated from high school, any person having under control a child who is between the ages of • • • 6 and 16 years shall cause such child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which such child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 16 years of age.

(b) Unless the child has a legal excuse or has graduated from high school, any person having under control a child who is between the ages of • • • 6 and 18 years and who resides within a school district which also contains within its boundaries a vocational, technical and adult education school designated by the board of vocational, technical and adult education as a school with a day class program, shall cause such child to attend school regularly during the full period and hours, religious holidays excepted, that the public or private school in which such child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes 18 years of age. A child is eligible to attend a vocational, technical and adult education school under s. 38.22(1), in lieu of high school, upon attaining the age of 16 years.

(c) If his parent or legal custodian and the school board of his district so determine, any child who is 16 years of age or over shall attend, in lieu of high school or on a part-time basis as determined by the parent or legal custodian, a vocational, technical and adult education school. Where such a determination is made, the district board of the vocational, technical and adult education district in which the child resides must admit the child and must enter into the contract specified in sub. (2). Every district board must offer day class programs satisfactory to meet the requirements of this paragraph and sub. (2) as a condition to the receipt of any state aid.

(d) A school board may permit a pupil who is in good standing academically to attend school part-time during his last school term preceding graduation from high school.

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(1)(e) If a parent or legal custodian and the school board of a district or the board's designee so determine, any child who is 16 years of age or over may be excused from full-time attendance at high school to participate in a school-work training program or work-study program developed for the child in consultation with a school social worker, psychologist or guidance counselor. • • •

(2) (a) If the determination is made under sub. (1) (c) that a child shall attend a vocational, technical and adult education school, the district board governing the vocational, technical and adult education school shall establish appropriate vocational and technical courses in accordance with par. (b) 1 and the school board of the district and the district board governing the vocational, technical and adult education school shall enter into a contract for such attendance.

(b) The contract shall set forth:

1. The courses at the vocational, technical and adult education school which are approved by the state superintendent as being courses for which credit will be given to meet high school graduation requirements.

2. The amount per student class hour of instruction, not including any debt retirement cost, which the school board shall pay to the district board of the vocational, technical and adult education school for pupils attending such school. If either board sends written notice to the state superintendent or the director of the board of vocational, technical and adult education that the boards are unable to reach an agreement on the amount to be paid, the state superintendent and the director shall determine the amount within 15 days of receipt of such notice.

(c) Pupils attending a vocational, technical and adult education school under this subsection may receive general education subjects at the vocational, technical and adult education school and shall be counted as pupils enrolled in the high school for all purposes including computing state aid for the school district and contractual payments therefor by the school district shall be deemed costs of operation and maintenance. No state aid may be paid to the vocational, technical and adult education district for pupils attending the vocational, technical and adult education school under this subsection.

(d) Transportation, or board and lodging under s. 121.57 (1) (a), for pupils attending a vocational, technical and adult education school under this subsection shall be provided by the school district, and state aids shall be paid therefor, on the same basis as is transportation for pupils attending high school.

(3) (a) This section does not apply to:

1. Any child who has completed the full 4-year high school course.

2. Any child who is excused by the school board because he is temporarily not in proper physical or mental condition to attend school or his educational program under s. 115.85 (2), but who can be expected to return to his program upon termination of his illness or condition. The certificate of a reputable physician, reputable licensed psychologist or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, shall be sufficient proof of the physical or mental condition of the child and of the expectations for the child upon termination of his illness or condition. An excuse under this subdivision shall be in writing and shall state the time period for which it is valid not to exceed 30 days.

3. Any child excepted for good cause by the school board of the district in which the child resides, except that good cause may not be based upon the child's exceptional educational needs as described in s. 115.76 (3).

(b) Upon the ordering by the school board of the exemption of a child under par. (a) 3 the school district clerk shall mail notice of such action to the parent or guardian of the child. A parent or guardian of an exempted child may appeal the exemption to the state superintendent. Within 30 days after the decision of the state superintendent, the parent or guardian may appeal the decision to the circuit court of the county in which the school is located.

(4) Instruction during the required period elsewhere than at school may be substituted for school attendance. Such instruction must be approved by the state superintendent as substantially equivalent to instruction given to children of like ages in the public or private schools where such children reside.

(4m) No school board, school board member, multidisciplinary team under s. 115.80 or person employed by a school board or cooperative educational service agency may in any manner compel a pregnant girl to withdraw from her regular education program.

(5) Whoever violates this section or files a false statement under s. 118.16 (1) may be fined not less than $5 nor more than $50 or imprisoned not more than 3 months or both. In a prosecution under this subsection, if the defendant proves that he is unable to comply with the law because of the disobedience of the child in question, the action shall be dismissed and the child shall be proceeded against as delinquent under ch. 48.

APPENDIX C

THE TRUANCY LAW

THE TRUANCY LAW,
as amended by Ch. 39, Laws of 1975

118.16 Truancy. (1) "Truancy" means any absence of one or more days from school during which the principal or teacher has not been notified in writing of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of s. 118.15. The only legal causes for absence are those specified in s. 118.15 (3) and (4). Upon request of the truant officer, a statement from the local health officer or nurse or attending physician shall be submitted explaining the cause of the pupil's absence.

(2) (a) Except in school districts operating under ch. 119, the school district administrator is the truant officer unless the school board appoints as truant officer another professional employe of the school district. The school district administrator or the professional employe shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as truant officer.

(b) In school districts operating under ch. 119, the school board shall appoint welfare workers or attendance officers who shall have the powers of truant officers. To qualify for employment such welfare workers shall possess the qualifications required for teachers in such school districts and shall have all the rights and privileges of teachers.

(3) All teachers in private schools shall keep a record containing the information required under ss. 115.30(2) and 120.18. The record shall be open to the inspection of truant officers at all reasonable times. When called upon by any truant officer, such teachers shall furnish, on blanks supplied by the truant officer, such information in regard to any child between the ages of • • • 6 and 18 who claims or who is claimed to be in attendance at such schools. Every school teacher shall notify promptly the proper truant officer of any pupil whose attendance is habitually and inexcusably irregular.

(4) A truant officer may visit any place of employment in his locality to ascertain whether any minors are employed therein contrary to law. He shall require that the school certificates and lists of minors who are there employed be produced for inspection, and he shall report all cases of illegal employment to the proper school authorities and to the department of industry, labor and human relations. When a truant officer receives a report or learns by investigation or by personal observation that any child is unlawfully and habitually absent from school, he shall proceed immediately in accordance with sub. (5).

(5) School district administrators shall require the teachers under their supervision to report all absences daily to the truant officer.

Within 12 hours after receiving a report of absence or other information of absence, the truant officer shall give written notice by personal service to the parent or guardian of the absent child to send the child to some school no later than the next following day on which school is in session unless an excuse from the proper health or judicial authority is filed. The notice shall set forth the legal requirements for school attendance and s. 118.15 shall be printed on the face or back of the notice. The truant officer shall notify immediately the principal or teacher in writing of the service of notice. Return of the child to school shall be reported immediately by the principal or teacher to the truant officer. The failure of the child to return to school on such next following school day shall be reported immediately to the truant officer by the principal or teacher. If it is the first such failure of the child to return to school during that school year, the truant officer again shall give notice to the parent or guardian of the child, and notify the principal or teacher in writing of the service of notice. If the child does not return to school on the school day next following the service of the 2nd notice, the truant officer within 3 days shall cause an action to be brought under s. 118.15 (5). If it is not the first such failure of the child to return to school during that school year, upon reasonable evidence that such absence is truancy, the truant officer shall not give a 2nd notice but shall forthwith cause an action to be brought under s. 118.15 (5).

(6) (a) Any school district administrator, principal, teacher or truant officer who violates this section shall forfeit not less than $5 nor more than $25.

(b) Truant officers may apprehend without warrant any child found violating s. 118.15 and cause the child to be placed in some school.

APPENDIX D

ATTENDANCE RATES FOR
SELECTED SCHOOL DISTRICTS

ATTENDANCE RATES FOR GRADES 9-12
FOR SELECTED SCHOOL DISTRICTS* IN SELECTED SCHOOL YEARS

School Districts (County)	Attendance Rates (ADA/ADM) **		
	1972-73 School Year	1973-74 School Year	1974-75 School Year
1. Adams-Friendship (Adams)	93.77%	91.75%	92.83%
2. Albany (Green)	92.11%	93.15%	93.88%
3. Almond-Bancroft (Portage)	94.89%	93.48%	94.20%
4. Appleton (Outagamie)	98.27%	92.99%	93.76%
5. Arkansaw-Waterville (Pepin)	94.31%	93.75%	93.91%
6. Berlin (Green Lake)	95.08%	93.62%	93.37%
7. Birchwood (Washburn)	93.68%	87.83%	93.75%
8. Bloomington (Grant)	95.02%	93.81%	94.34%
9. Brookfield (Waukesha)	93.39%	93.37%	96.02%
10. Butternut (Ashland)	92.92%	92.16%	93.33%
11. Cochrane-Fountain City (Buffalo)	93.96%	93.14%	92.96%
12. Crandon (Forest)	81.00%	91.04%	99.68%
13. Denmark (Brown)	95.68%	95.57%	96.11%
14. Dodgeville (Iowa)	95.51%	94.66%	96.41%

School Districts (County)	Attendance Rates (ADA/ADM) **		
	1972-73 School Year	1973-74 School Year	1974-75 School Year
15. Eau Claire (Eau Claire)	94.15%	94.20%	93.20%
16. Elroy-Kendall-Wilton (Juneau)	93.28%	93.40%	93.01%
17. Fond du Lac (Fond du Lac)	96.85%	98.43%	99.45%
18. Fredonia (Ozaukee)	94.98%	94.71%	93.65%
19. Gibralter (Door)	91.22%	99.63%	91.63%
20. Gilmanton (Buffalo)	93.16%	91.23%	92.52%
21. Goodman (Marinette)	91.07%	93.40%	94.17%
22. Grantsburg (Burnett)	91.23%	91.30%	91.70%
23. Green Bay (Brown)	94.17%	91.93%	92.66%
24. Hurley (Iron)	92.47%	91.93%	90.97%
25. Hustisford (Dodge)	90.48%	91.28%	91.72%
26. Janesville (Rock)	92.77%	92.31%	92.71%
27. Juda (Green)	92.37%	91.73%	91.60%
28. Kenosha (Kenosha)	90.30%	89.67%	90.61%
29. Kewaskum (Washington)	93.70%	93.52%	93.09%

School Districts (County)	Attendance Rates (ADA/ADM) **		
	1972-73 School Year	1973-74 School Year	1974-75 School Year
30. Kohler (Sheboygan)	95.81%	96.02%	96.24%
31. La Crosse (La Crosse)	94.97%	93.97%	94.02%
32. Lake Mills (Jefferson)	97.32%	93.40%	98.82%
33. Madison (Dane)	90.77%	90.11%	90.51%
34. Manawa (Waunaca)	94.61%	95.25%	95.00%
35. Menomonie (Dunn)	94.49%	96.18%	93.83%
36. Milwaukee (Milwaukee)	86.33%	84.73%	83.48%
37. Niagara (Marinette)	93.54%	95.36%	90.79%
38. Owen-Withee (Clark)	92.63%	93.11%	93.80%
39. Pewaukee (Waukesha)	94.66%	93.71%	94.87%
40. Phelps (Vilas)	91.18%	92.54%	98.39%
41. Phillips (Price)	95.01%	92.87%	93.84%
42. Pittsville (Wood)	94.58%	92.16%	93.35%
43. Platteville (Grant)	95.22%	94.91%	95.92%
44. Portage (Columbia)	93.94%	93.76%	97.21%

School Districts (County)	Attendance Rates (ADA/ADM) ** 1972-73 School Year	1973-74 School Year	1974-75 School Year
45. Prescott (Pierce)	94.85%	93.19%	93.61%
46. Princeton (Green Lake)	93.98%	95.24%	96.30%
47. Racine (Racine)	90.95%	89.71%	88.78%
48. Rhinelander (Oneida)	94.15%	93.60%	94.20%
49. Rice Lake (Barron)	92.91%	92.33%	93.72%
50. Sauk-Prairie (Sauk)	95.07%	95.22%	95.38%
51. Shawano (Shawano)	92.35%	91.38%	90.53%
52. Sheboygan (Sheboygan)	93.13%	91.82%	93.33%
53. South Milwaukee (Milwaukee)	94.57%	94.06%	94.32%
54. Stevens Point (Portage)	97.15%	92.21%	92.55%
55. Stockbridge (Calumet)	93.85%	94.35%	94.78%
56. Superior (Douglas)	90.20%	90.29%	85.69%
57. Taylor (Jackson)	93.33%	92.59%	91.51%
58. Valders (Manitowoc)	95.96%	96.12%	96.96%
59. Waukesha (Waukesha)	93.58%	90.43%	91.82%

School Districts (County)	Attendance Rates (ADA/ADM) ** 1972-73 School Year	1973-74 School Year	1974-75 School Year
60. Naupun (Fond du Lac)	94.33%	94.59%	93.20%
61. Wausau (Marathon)	94.26%	90.24%	93.36%
62. Wauwatosa (Milwaukee)	92.58%	90.49%	93.56%
63. Whitewater (Walworth)	94.46%	89.83%	93.79%
64. Williams Bay (Walworth)	94.19%	93.96%	92.61%
65. Winneconne (Winnebago)	95.12%	94.99%	94.46%
66. Wisconsin Rapids (Wood)	97.61%	93.46%	93.15%
AVERAGE	93.57%	92.99%	93.56%

* Fifty-nine of the selected school districts were those used for the Legislative Council Staff Survey. The remaining 7 were chosen to reflect the locales of the members of the Subcommittee on Truancy.

** The attendance rates were obtained by dividing the average daily attendance (ADA) by the average daily membership (ADM), as reported in the school district annual report to the Division for Financial Aids Services, Department of Public Instruction.